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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,475	07/02/2003	Charles Peter deCler	1945.185US01	3132
23552 7590 05/18/2006				
MERCHANT & GOULD PC				
P.O. BOX 2903				
MINNEAPOLIS, MN 55402-0903				
EXAMINER				
DUNWOODY, AARON M				
ART UNIT		PAPER NUMBER		
3679				

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/612,475

Applicant(s)

DECLER ET AL.

Examiner

Aaron M. Dunwoody

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 16-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8 and 16-18 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/30/2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4863201, Carstens.

In regards to claim 1, Carstens discloses a coupler device for fluid transport, comprising:

a body (32) including an outer surface being a circumferential outer sidewall, the outer sidewall having a first end and a second end with an opening extending through the first and second ends, the body defining a slot disposed proximate one of the first end or second end, the slot extending in a direction transverse to the opening and through the outer sidewall;

a latch assembly (92, 90) including at least one outer member (100) being disposed on the body externally exposed of the outer surface and connected with an inner member being disposed through the slot, the outer member protruding from the outer surface and reciprocates with respect to the outer sidewall, the inner member reciprocating within the slot and having an aperture corresponding with the opening, whereby the body is releasably connectable with a piece of fluid transport equipment through the inner member; and

an overmold portion (14) formed about the outer sidewall of the body, the overmold portion defining a material molded over the body as an addition layer, such that the overmold portion is formed substantially about the outer sidewall, the overmold portion including a shroud portion partially covering the outer member of the latch assembly, the shroud portion being a wall extending outward from the outer sidewall and adjacent and around the outer member of the latch assembly, the wall extending in a direction transverse to the outer surface, and a top portion of the wall protruding from the outer surface at least a same distance as an outermost portion of the outer member protrudes from the outer surface (when the outer member is full engaged into the slot).

In regards claim 2, Carstens discloses the body including a connection means disposed at one of the first or second ends opposite the slot, whereby the connection means being connectable to a fluid transport system.

In regards claim 3, Carstens discloses the connection means being a groove residing between the outer sidewall and the opening, the groove being a socket fitting.

In regards claim 4, Carstens discloses a part of the outer surface of the body having a recessed face disposed about the slot and extending in a direction along the outer surface toward the first and second ends.

In regards claim 5, Carstens discloses the recessed face being substantially planar, the recessed face being engageable with a portion of the outer member, the portion reciprocates with respect to the recessed face and over the slot.

In regards claim 6, Carstens discloses the opening of the body substantially being radially symmetrical.

In regards claim 7, Carstens discloses the body is constructed of a molded material, the molded material being more rigid than the overmold portion.

In regards claim 8, Carstens discloses the outer member of the latch assembly including an actuating member, a biasing member and a retaining member, the actuating member and the retaining member being connected at oppositely disposed ends of the inner member and outside the slot, and the biasing member being between the actuating member and the inner member, the biasing member being disposed on the outer surface over the slot and enabling the actuating member and retaining member to reciprocate with respect to the outer surface.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

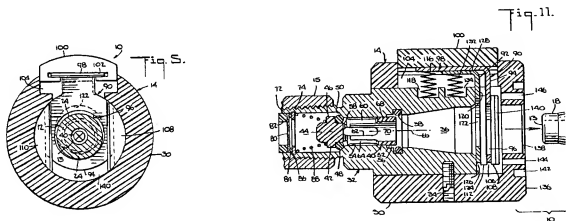
Claims 16-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Carstens.

In regards to claim 16-19, Carstens discloses the claimed invention except for the body being a rigid plastic material wherein the material is polypropylene, and the overmold portion being a low tolerance material wherein the material is a soft thermoplastic rubber material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the body with a rigid plastic material wherein the material is polypropylene, and fabricate the overmold portion with a low tolerance material wherein the material is a soft thermoplastic rubber material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

***Response to Arguments***

Applicant's arguments filed 3/30/2006 have been fully considered but they are not persuasive.

Applicant argues that a top portion of coupling member 14 disclosed by Carstens does not protrude from the coupling body 32 at least a same distance as an outermost portion of button 100. The Examiner disagrees.



As illustrated in Figures 5 and 11 above, the outer member 100 can be full contained within the space/slot 104 such that a top portion of the wall protrudes from the outer surface at least a same distance as an outermost portion of the outer member protrudes from the outer surface. Therefore, Carstens meets the claim limitation.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody  
Primary Examiner  
Art Unit 3679

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